

House Bill 495

By: Representatives Byrd of the 20th, Powell of the 29th, Bearden of the 68th, Hill of the 21st,
Everson of the 106th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to establish the "Georgia Government Accountability Act"; to provide for a short title; to provide for legislative intent; to create the Legislative Sunset Advisory Committee; to authorize the committee to review and evaluate state agencies' productivity, efficiency, and responsiveness; to provide for the automatic abolition of certain state agencies; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, is amended by designating Code Sections 50-4-1 through 50-4-7 as Article 1 and by adding a new article to read as follows:

"ARTICLE 2

50-4-20.

This article shall be known and may be cited as the 'Georgia Government Accountability Act.' It is the intent of the General Assembly to establish a method by which the efficiency of state government shall be reviewed and the productivity of each agency evaluated. This article is meant to ensure that the valuable resources of the state are best utilized and that state agencies are held accountable for their service to the public and responsiveness to the needs of the citizens of this state.

50-4-21.

(a) There is created as a joint committee of the General Assembly the Legislative Sunset Advisory Committee to be composed of seven members of the House of Representatives

1 appointed by the Speaker of the House and seven members of the Senate appointed by the
2 President of the Senate. The members of the committee shall serve two-year terms
3 concurrent with their terms as members of the General Assembly. The chairperson of the
4 committee shall be appointed by the President of the Senate from the membership of the
5 committee, and the vice chairperson of the committee shall be appointed by the Speaker
6 of the House from the membership of the committee. The chairperson and vice chairperson
7 shall serve terms of two years concurrent with their terms as members of the General
8 Assembly. Vacancies in an appointed member's position or in the offices of chairperson
9 or vice chairperson of the committee shall be filled for the unexpired term in the same
10 manner as the original appointment. The committee shall advise the General Assembly
11 regarding the agency sunset provisions required by this article.

12 (b) The Senate and the House of Representatives may each employ staff to work for the
13 chairperson and vice chairperson of the committee on matters related to committee
14 activities.

15 (c) In carrying out its function under this article, the committee may request, through the
16 chairperson, the assistance of any state agency or office. When so requested, a state agency
17 or office shall assist the committee. The committee or its designated staff member may
18 inspect, review, and copy the records, documents, and files of any state agency. All
19 information subject to public disclosure shall be made available for review and copying
20 within three business days.

21 50-4-22.

22 (a) The following state agencies, including their boards or advisory committees, shall be
23 reviewed by the Legislative Sunset Advisory Committee by July 1, 2009:

- 24 (1) Department of Administrative Services;
- 25 (2) Department of Audits and Accounts;
- 26 (3) Department of Banking and Finance;
- 27 (4) Office of State Administrative Hearings;
- 28 (5) Department of Revenue;
- 29 (6) Georgia Building Authority;
- 30 (7) Office of Planning and Budget;
- 31 (8) Georgia Institute for Community Business Development;
- 32 (9) Office of Treasury and Fiscal Services;
- 33 (10) Georgia State Indemnification Commission;
- 34 (11) Public Service Commission;
- 35 (12) Subsequent Injury Trust Fund;
- 36 (13) State Accounting Office; and

1 (14) State Commission on Compensation.

2 (b) The following state agencies, including their boards or advisory committees, shall be
3 reviewed by the Legislative Sunset Advisory Committee by July 1, 2011:

4 (1) Department of Agriculture;

5 (2) Department of Community Health;

6 (3) Department of Human Resources;

7 (4) Department of Natural Resources;

8 (5) State Office of Housing;

9 (6) Georgia Housing and Finance Authority;

10 (7) Georgia Tobacco Community Development Board;

11 (8) Georgia Industries for the Blind;

12 (9) Georgia Agricultural Exposition Authority;

13 (10) Georgia Agrirama Development Authority;

14 (11) Georgia Child Care Council;

15 (12) Georgia Child Fatality Review Panel;

16 (13) Georgia Child Support Commission;

17 (14) Nonpublic Postsecondary Education Commission;

18 (15) Georgia Environmental Facilities Authority;

19 (16) Georgia Environmental Training and Education Authority;

20 (17) Lake Allatoona Preservation Authority;

21 (18) State Forestry Commission;

22 (19) Office of the Child Advocate for the Protection of Children;

23 (20) Children and Youth Coordinating Council;

24 (21) State Children's Trust Fund Commission;

25 (22) Council on Maternal and Infant Health;

26 (23) Office of Mental Health Advocacy;

27 (24) Governor's Advisory Council for Mental Health, Developmental Disabilities, and
28 Addictive Diseases; and

29 (25) State Soil and Water Conservation Commission.

30 (c) The following state agencies, including their boards or advisory committees, shall be
31 reviewed by the Legislative Sunset Advisory Committee by July 1, 2013:

32 (1) Department of Corrections;

33 (2) Department of Juvenile Justice;

34 (3) Department of Law;

35 (4) Department of Public Safety;

36 (5) Department of Veterans Service;

37 (6) Georgia Emergency Management Agency;

- (7) Georgia Bureau of Investigation;
- (8) Department of Defense;
- (9) Georgia Magistrate Courts Training Council;
- (10) Georgia Municipal Courts Training Council;
- (11) Georgia Peace Officer Standards and Training Council;
- (12) Georgia Public Safety Training Center;
- (13) Georgia Public Telecommunications Commission;
- (14) Georgia Coroner's Training Council;
- (15) Georgia Correctional Industries Administration;
- (16) Georgia Drugs and Narcotics Agency;
- (17) Georgia Firefighter Standards and Training Council;
- (18) Georgia Superior Court Clerks Cooperative Authority;
- (19) Georgia Board of Pardons and Paroles;
- (20) Office of Georgia Capital Defender;
- (21) Georgia Public Defender Standards Council;
- (22) Council of Juvenile Court Judges;
- (23) Georgia Courts Automation Commission;
- (24) Criminal Justice Coordinating Council;
- (25) Prosecuting Attorneys' Council;
- (26) Administrative Office of the Courts; and
- (27) Judicial Qualifications Commission.

(d) The following state agencies, including their boards or advisory committees, shall be reviewed by the Legislative Sunset Advisory Committee by July 1, 2015:

- (1) Department of Early Care and Learning;
- (2) Georgia Public School Indemnification Commission;
- (3) Education Coordinating Council;
- (4) Department of Technical and Adult Education;
- (5) Georgia Education Authority (Schools);
- (6) Georgia Education Authority (University);
- (7) Georgia Higher Education Facilities Authority;
- (8) Department of Education;
- (9) Board of Regents of the University System of Georgia;
- (10) Georgia Athletic and Entertainment Commission;
- (11) Georgia Closing the Achievement Gap Commission;
- (12) Georgia Higher Education Assistance Corporation;
- (13) Georgia Historical Records Advisory Board;
- (14) Georgia Student Finance Authority;

1 (15) Georgia Student Finance Commission;

2 (16) Governor's Council on Developmental Disabilities;

3 (17) Georgia Council for the Arts; and

4 (18) Office of Student Achievement.

5 (e) The following state agencies, including their boards or advisory committees, shall be
6 reviewed by the Legislative Sunset Advisory Committee by July 1, 2017:

7 (1) Department of Driver Services;

8 (2) Department of Transportation;

9 (3) State Road and Tollway Authority;

10 (4) Georgia Regional Transportation Authority;

11 (5) Governor's Office of Highway Safety;

12 (6) Georgia Highway Authority;

13 (7) Georgia Ports Authority;

14 (8) Georgia Rail Passenger Authority;

15 (9) Georgia Airport Development Authority;

16 (10) Georgia Driver's Education Commission;

17 (11) Governor's Commercial Transportation Advisory Committee;

18 (12) GeorgiaNet Authority; and

19 (13) Georgia Technology Authority.

20 (f) The following state agencies, including their boards or advisory committees, shall be
21 reviewed by the Legislative Sunset Advisory Committee by July 1, 2019:

22 (1) Department of Community Affairs;

23 (2) Department of Labor;

24 (3) Commission on Equal Opportunity;

25 (4) Department of Economic Development;

26 (5) Department of Insurance;

27 (6) Georgia Employee's Retirement System;

28 (7) State Merit System of Personnel Administration;

29 (8) Georgia Legislative Retirement System;

30 (9) Georgia Institute for Community Business Development;

31 (10) Georgia Judicial Retirement System;

32 (11) Teachers Retirement System of Georgia;

33 (12) Georgia State Personnel Board;

34 (13) Georgia Development Authority;

35 (14) State Board of Workers' Compensation;

36 (15) Georgia State Games Commission;

37 (16) Georgia State Financing and Investment Commission; and

1 (17) Georgia Fiscal Management Council.

2 (g) The following state agencies, including their boards or advisory committees, shall be
3 reviewed by the Legislative Sunset Advisory Committee by July 1, 2021:

4 (1) Council of American Indian Concerns;

5 (2) Atlanta Regional Commission;

6 (3) Brian and Spinal Injury Trust Fund Commission;

7 (4) Civil War Commission;

8 (5) Georgia Commission on Dispute Resolution;

9 (6) State Ethics Commission;

10 (7) Georgia Commission on the Holocaust;

11 (8) Georgia Council for the Humanities;

12 (9) Jekyll Island—State Park Authority;

13 (10) Georgia Lottery Corporation;

14 (11) State Medical Education Board;

15 (12) Georgia Board for Physician Workforce;

16 (13) State Properties Commission;

17 (14) Georgia Music Hall of Fame Authority;

18 (15) Georgia Sports Hall of Fame Authority;

19 (16) Stone Mountain Memorial Association;

20 (17) Foundation for Public Broadcasting in Georgia, Inc.;

21 (18) Office of the Secretary of State; and

22 (19) Geo. L. Smith II Georgia World Congress Center Authority.

23 (h) Agency review shall be repeated every ten years following the agency's initial review
24 date as set forth in this Code section.

25 50-4-23.

26 (a) Except as provided by this Code section, an agency subject to review by the Legislative
27 Sunset Advisory Committee shall be abolished on June 30 following the date of review
28 specified in Code Section 50-4-22 unless the legislature continues the agency; however,
29 an agency shall not be abolished unless the General Assembly finds that the state laws that
30 the agency is responsible for implementing or enforcing have been repealed, revised, or
31 reassigned to another remaining agency and that adequate provision has been made for the
32 transfer from the abolished agency to a successor agency of all duties, debts, and
33 obligations, including those relating to bonds, loans, promissory notes, lease-purchase
34 agreements, installment sales contracts, financing agreements, or any other form of
35 indebtedness such that security therefor and the rights of bondholders or holders of other
36 indebtedness are not impaired.

(b) If the General Assembly does not take action before the date of abolishment to continue the agency, the agency shall submit its legislative budget request consistent with the recommendations of the appropriate Legislative Sunset Advisory Committee review or any law transferring the agency's functions to other entities.

(c) Any agency established by constitutional provision shall not be subject to automatic abolishment as provided in subsection (a) of this Code section. The committee shall review the constitutionally established agency in the same manner and shall report to the General Assembly any recommended constitutional amendments needed for the reorganizing or abolishing of such constitutionally created agency.

(d) Any board, commission, advisory council, or similar body included in the term 'agency' as defined in Code Section 50-4-1 which has not held an open public meeting for a period of more than 12 months shall be considered automatically abolished without the need for further agency review as required by this article. The committee shall be responsible for presenting legislation to repeal existing statutory provisions relating to the abolished agency.

(e) Except as may otherwise be expressly provided by law, abolition of a state agency does not affect the rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the abolition.

50-4-24.

(a) Not later than January 1 of the year preceding the year in which a state agency is scheduled to be reviewed, the agency shall provide the Legislative Sunset Advisory Committee with a report outlining the agency's efficiency and productivity and the extent to which the agency utilizes state resources to best meet the needs of the public.

(b) The report required by this Code section shall, at a minimum, include the following:

(1) A comprehensive list of state programs and services performed by the agency, including all special purpose activities undertaken to realize identifiable goals and objectives in order to achieve the agency's mission and legislative intent;

(2) An accounting of state resources spent by the agency;

(3) An explanation of factors that have contributed to any failure to achieve legislated standards or directives;

(4) The extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which public participation has resulted in rules compatible with the objectives of the agency;

(5) A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity are intended to address, and the extent to which these objectives have been achieved;

(6) An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which those programs can be consolidated with those of other agencies;

(7) A self-examining assessment of the agency's efficiency and areas of needed improvement, including goals and objectives for improvement, and the means by which the agency intends to meet these goals and objectives;

(8) Recommendations for statutory or budgetary changes that would improve the agency's programs and operations, reduce costs, or improve services to state residents;

(9) The effect of federal intervention or loss of federal funds if the agency, or any of its programs or activities, is abolished;

(10) An assessment of alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public interest;

(11) A summary of the extent to which the agency enforces laws relating to potential conflicts of interest with its employees;

(12) An outline of employee disciplinary actions taken by the agency in the past five years summarizing the basis for employment decisions and the actions taken; individual employee identification shall not be included in the report unless specifically requested by the committee;

(13) A detailed summary of the agency's hiring and retention patterns for the previous five years;

(14) An assessment of the extent to which the agency has corrected any deficiencies and implemented recommendations contained in any state or federal audits or court decisions;

(15) A list of all advisory committees and boards, whether established in statute or by the agency; their purposes, activities, composition, and expenses; and an assessment of the extent to which their purposes have been achieved and the rationale for continuing or eliminating each advisory committee or board;

(16) A list of agency programs or functions that are performed without specific statutory authority; and

(17) Other information as requested by the committee or any study committee created under the committee's direction.

(c) Information and data reported by the agency shall be validated by the agency's chief executive before submission to the committee.

50-4-25.

(a) No later than March 1 of the year in which a state agency is scheduled to be reviewed by the Legislative Sunset Advisory Committee, the committee shall:

1 (1) Review the information submitted by the agency;

2 (2) Consult with or hear testimony from any individual, agency, private company, or
3 other expert as needed;

4 (3) Hold public hearings to consider this information as well as testimony that the
5 committee deems necessary; and

6 (4) Present to the President of the Senate and the Speaker of the House of
7 Representatives a report on the agencies scheduled to be reviewed that year by the
8 committee. In the report, the committee shall include its specific findings and
9 recommendations regarding each agency review and indicate whether a public need exists
10 for the continuation of a state agency or for the functions of the agency.

11 (b) The committee shall consider the following criteria in determining whether a public
12 need exists for the continuation of a state agency or agency function:

13 (1) The efficiency with which the agency operates;

14 (2) The statutory objectives of the agency and the problem or need that the agency is
15 intended to address, the extent to which the objectives have been achieved, and any
16 activities of the agency in addition to those granted by statute and the authority for these
17 activities;

18 (3) An assessment of less restrictive or alternative methods of providing any regulatory
19 function for which the agency is responsible while adequately protecting the public;

20 (4) The extent to which an advisory committee or board is needed or used;

21 (5) The extent to which the jurisdiction of the agency and the programs administered by
22 the agency overlap or duplicate those of other agencies and the extent to which the
23 programs administered by the agency can be consolidated with the programs of other
24 agencies;

25 (6) Whether the agency has recommended to the legislature statutory changes calculated
26 to be of benefit to the public;

27 (7) The promptness and effectiveness with which the agency responds to the public's
28 complaints and the extent to which the agency has encouraged participation by the public
29 in making its rules and decisions;

30 (8) The extent to which the agency has satisfied requirements of state law, safeguarded
31 public health, safety, and welfare, and utilized state resources;

32 (9) The extent to which the agency accurately reports performance measures used to
33 justify state spending on each of its activities, services, and programs;

34 (10) The effect of probable federal intervention or loss of federal funds if the agency or
35 an agency function is abolished; and

36 (11) The extent to which changes are necessary in the enabling statutes of the agency so
37 that the agency can adequately comply with the criteria of this article.

(c) In its report on an agency, the committee shall make recommendations on the abolition, continuation, or reorganization of such agency and on the need for the continuation of the functions of the agency. The report shall also make recommendations on the consolidation, transfer, or reorganization of an agency's programs when those programs are duplicated by another agency.

(d) It shall be the responsibility of the committee to prepare drafts of legislation necessary to carry out the committee's recommendations.

50-4-26.

The President of the Senate and the Speaker of the House of Representatives shall forward any bill initiated in either chamber which creates a new state agency, department, board, council, commission, or other body under the authority of the executive branch of state government to the Legislative Sunset Advisory Committee for consideration. The bill must be favorably reported out of the committee by a majority vote of the members before such bill may be assigned to any other committee in either the Senate or the House of Representatives."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.